IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Kishan Lal Vs. Board of Revenue Rajasthan Ajmer & Others
(SB Civil Writ Petition No.6127/1998)

SB Civil Writ Petition under Articles
226 & 227 of the Constitution of India.

Date of order: November 16, 2006.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA

Mr. Prem Kumar Sharma, for the petitioner.

Mr. R.K.Mathur, for the respondents.

BY THE COURT:

Suit filed by the plaintiff petitioner (for short `plaintiff') under sections 88, 89 and 188 of the Rajasthan Tenancy Act,1955 was dismissed by the Assistant Collector Alwar on January 22, 1990. After unsuccessful first and second appeals the plaintiff has filed instant writ petition seeking quashing of the judgments of the courts below.

2. Having heard rival submissions and on a close scrutiny of the material on record, I find that all the three courts below came to the conclusion that the land in question was allotted exclusively to defendant Laxmi Chand and it has been concurrently held that the plaintiff never remained in possession of any part of the said land. Concurrent finding of facts arrived at by the courts below cannot be interfered with in writ jurisdiction. In Sadhana Lodh Vs. National Insurance Co. Ltd. (2003)3 SCC 524, their Lordships of Supreme Court defined the supervisory jurisdiction under Article 227 of the Constitution of India as under:-

> "The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an appellate court or the tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or reweigh the evidence upon which the inferior court or tribunal purports to have passed the order or to correct errors of law in the decision."

3. Resultantly the writ petition being devoid of merits stands dismissed without any order as to costs.

(Shiv Kumar Sharma),J.

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